

Amendment No. 1 to SB2089

Crowe
Signature of Sponsor

AMEND Senate Bill No. 2089

House Bill No. 1762*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-2-101(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(a)

(1) Notwithstanding any other provision of law to the contrary and except as provided in subsection (l), a health care provider shall furnish to a patient, a patient's authorized representative, or the parent or legal guardian of a patient who is an unemancipated minor, a copy of such patient's medical records within ten (10) working days, upon request in writing by the patient, representative, or parent or legal guardian.

SECTION 2. Tennessee Code Annotated, Section 63-2-101, is amended by adding the following as a new, appropriately designated subsection:

(l) A health care provider may refuse to release an unemancipated minor's medical records as provided in 45 C.F.R. § 164.502(g)(5).

SECTION 3. Tennessee Code Annotated, Section 68-11-304(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(a)

(1) Hospital records are and shall remain the property of the various hospitals, subject, however, to court order to produce the records. Unless restricted by state or federal law or regulation and except as provided in subsection (h), a hospital shall furnish to a patient, a patient's authorized representative, or the parent or legal guardian of a patient who is an unemancipated minor such part or parts of the patient's hospital records without

unreasonable delay upon request in writing by the patient, representative or parent or legal guardian.

SECTION 4. Tennessee Code Annotated, Section 68-11-304, is amended by adding the following as a new, appropriately designated subsection:

(l) A health care provider may refuse to release an unemancipated minor's medical records as provided in 45 C.F.R. § 164.502(g)(5).

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.